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GROUP 1600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

James Robl et al.

Group Art Unit: 1632

Application No. 09/260,468

Examiner: Joseph T. Voitach

Filed: March 2, 1999

Title: EMBRYONIC OR STEM-LIKE CELL LINES PRODUCED BY CROSS-SPECIES NUCLEAR  
TRANSPLANTATION AND METHODS FOR ENHANCING EMBRYONIC DEVELOPMENT BY  
GENETIC ALTERATION OF DONOR CELLS OR BY TISSUE CULTURE CONDITIONS

\* \* \* \* \*

**SUBMISSION OF REPLACEMENT AMENDMENT AND RESPONSE**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

A replacement copy of the Amendment and Response that we filed on September 21, 2001, in reply to the Final Office Action mailed on June 21, 2001, is enclosed, together with documents provided as evidence that the Amendment and Response was timely filed. Entry and consideration of the Amendment and Response is respectfully requested.

On April 18, 2002, Ms. Lisa Kraemer of Pillsbury, Winthrop LLP made a telephone call to Examiner Joseph Voitach to inquire why no Advisory Action has been sent in response to the Amendment and Response that we timely filed on September 21, 2001, in the above-identified application, in reply to the Final Office Action mailed on June 21, 2001. In the telephone discussion that followed, Examiner Voitach informed Ms. Kraemer that there is no record in U.S. Patent Application No. 09/260,468 of our having filed the Amendment and Response on September 21, 2001.

*Submission of a Replacement Copy of the  
Amendment and Response filed 9/21/01*  
U.S. Serial No. 09/260,468  
Attorney Reference: 015837-0275817  
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In order to advance the prosecution of the above-identified application, we therefore submit the enclosed replacement copy of the Amendment and Response that we filed on September 21, 2001. We certify that the attached replacement copy is identical to the Amendment and Response that we filed on September 21, 2001. We also submit herewith the following documents as evidence that the Amendment and Response was timely filed on September 21, 2001:

- a) A copy of the cover letter we submitted with the Amendment and Response in U. S. Patent Application No. 09/260,468 of James A. Robl et al. (our docket no. 275817), dated September 21, 2001, and signed by Ms. Bonnie Weiss (Reg. No. 43,255), who was an attorney at Pillsbury, Winthrop, LLP at that time. Box no. 2 of the cover letter shows that our check no. 136589 for \$27.00 was submitted with the Amendment and Response to pay the U.S.P.T.O. fee for three new claims added by the Amendment.
- b) Copies of the pages of Pillsbury's Log Book of Hand-Carried Submissions to the U.S. Patent and Trademark Office for September 21, 2001, signed and dated by Mr. David West, Docket Clerk of Pillsbury, Winthrop LLP, and date-stamped September 21, 2001, by the U. S. Patent and Trademark Office. Page four of the Log Book listing for September 21, 2001, shows that on that day we filed an Amendment, Claims, and an Appendix in U. S. Patent Application No. 09/260,468 of Robl (our matter no. 275817), together with a check numbered 136589 to pay a fee of \$27.00.
- c) Copies of both sides of our check no. 136589 for \$27.00; on the back of the check are stamped the words:

"PATENT AND TRADEMARK OFFICE  
13-10-0001  
09-24-2001  
FOR CREDIT TO THE U.S. TREASURY."

*Submission of a Replacement Copy of the  
Amendment and Response filed 9/21/01*  
U.S. Serial No. 09/260,468  
Attorney Reference: 015837-0275817  
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which seem to indicate that the check was stamped by the U.S. Patent and Trademark Office on September 24, 2001, three days after it was submitted. The back of the check was also date-stamped with the date September 25, 2001 by both the First Virginia Bank and the Bank of America.

We respectfully request that the attached Replacement Amendment and Response in reply to the Final Office Action be entered into the application and considered by the Examiner. We note that the final, non-extendable deadline for our filing an Appeal Brief in the above-identified application is June 20, 2002, six months from the date the Notice of Appeal was filed (November 20, 2001). Since the issues that we must address in the Appeal Brief will be determined, in large part, by the Examiner's response to the Amendment and Response we filed on September 21, 2001, we respectfully request that consideration of the Replacement Amendment and Response, and communication of the results to the undersigned, be executed as quickly as possible.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: April 23, 2002

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